



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Christopher W. Ramirez, James A. Howell, Jr.  
Assignee: Dell Products L.P.  
Title: Process for Remote Recovery and Creation of Machine Specific Authentication Keys for Systems  
Serial No.: 10/672,130 Filing Date: September 26, 2003  
Examiner: Nancy Loan T. Le Group Art Unit: 3621  
Docket No.: DC-05161 Customer No.: 33438

Austin, Texas  
May 3, 2006

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COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW  
AND STATEMENT OF REASONS**

Sir:

Applicant requests review of the Final Rejection in the above-identified application. No amendments are being filed with the request. This request is being filed with a Notice of Appeal. The following sets forth a succinct, concise, and focused set of arguments for which the review is being requested.

**CLAIM STATUS**

Claims 1 - 11 and 13 - 20 stand rejected under Horstmann, U.S. Patent No. 6,009,401 (Horstmann).

**REMARKS**

The present invention, generally relates to remote restoration of upgrade or product keys. More specifically, if reinstall of a base client occurs before registration of product with which the upgrade or product key is associated, a client can transparently receive an upgrade key by connecting to a restore server and the restore server receiving a unique identifier of the system for which the remote restoration is needed.

More specifically, the present invention, as set forth by independent claim 1, relates to a method for enabling remote restoration of a purchase verification which includes obtaining a value that uniquely identifies an information handling system, obtaining a promotion code value that identifies a benefit, linking the value that uniquely identifies the information handling system with the promotion code value for the information handling system, during remote restoration, obtaining the promotion code value for the information handling system by providing the value that uniquely identifies the information handling system, and providing the promotion code value to the information handling system to re-enable the benefit.

Horstmann relates to electronic software distribution and licensing. Horstmann provides a mechanism for use in conjunction with electronic software distribution that provides purchase documentation and allows for convenient re-download and relicensing of software, including old software versions. Horstmann sets forth “[t]he relicensing manager provides for proper reinstallation of the license certificate”. (Horstmann, Col. 4, lines 10 – 11.) Horstmann also sets forth “[t]he relicensing manager fetches the software, installs the software on the user’s machine and updates the license certificate”. (Horstmann, Col. 4, lines 31 – 34.)

Generally, Horstmann relates to re-download and relicensing of software as compared to the claimed remote restoration. As discussed in the present application, a remote restoration occurs when it is necessary for a client to perform a software re-install or hard drive replacement on a computer system which includes a product key. (See e.g., Ramirez Application, Page 3, line 29 – Page 4, line 3.)

The prior art does not teach ‘remote restoration’ of software that was installed on an information handling system memory (i.e., computer memory) ...

The Office respectfully disagrees with the Applicant’s argument because the Office does not see any functional differences between ‘remote restoration’ and ‘remote downloading,’ as taught by the prior art (col. 4, lines 6-11, col. 5, line 10). Therefore, remote downloading and remote restoration are functionally equivalent, as demonstrated by claim language of “installing software application ...” in independent claims 1, 11 and 17. (Office Action March 7, 2006, Page 1, No. 1).

The Office respectfully disagrees with the Applicant’s arguments because a “promotion code,” in terms of functionality, is a unique value that identifies the machine/computer. Providing the user with the capability to reinstall the software, after it was purchased is clearly a post purchase benefit provided by the prior art. In this case, in the event that the software gets erased or wiped out during a hardware failure, the promotional code/machine ID gets validated (column 5, lines 1-16), and the software can

get re-downloaded or re-licensed (column 2, lines 62-63, col. 5, lines 25-26). (Office Action March 7, 2006, Page 2, No. 4).

It is respectfully submitted that the Examiner is not providing sufficient patentable weight to the terms “remote restoration” and “promotion code”. Each of these terms has meaning within the art in which the invention resides and those skilled in the art would appreciate the distinctions presented by these terms. As discussed in the present application, a remote restoration occurs when it is necessary for a client to perform a software re-install or hard drive replacement on a computer system which includes a product key. (See e.g., Ramirez Application, Page 3, line 29 – Pate 4, line 3.) A promotion code provides an indicia of whether or not particular goods or services are included within a computer system and if so, identifies the goods or services. (See e.g., Ramirez Application, Page 3, lines 15 – 28.)

Nowhere in Horstmann is there any teaching or suggestion of remote restoration of software that was installed on an information handling system memory when the information handling system was assembled at a manufacturing facility, as required by claims 1, 7 and 11. Additionally, nowhere in is there any teaching or suggestion of obtaining a value that uniquely identifies an information handling system where the value that uniquely identifies the information handling system is installed on the information handling system when the information handling system is fabricated as required by claim 17.

More specifically, Horstmann does not teach or suggest a method for enabling remote restoration of a purchase verification which includes installing application software in an information handling system memory when the information handling system is assembled at a manufacturing facility, and linking any promotion code values with the value that uniquely identifies the information handling system within an order management system, all as required by claim 1. Accordingly, claim 1 is allowable over Horstmann. Claims 2 - 6 depend from claim 1 and are allowable for at least this reason.

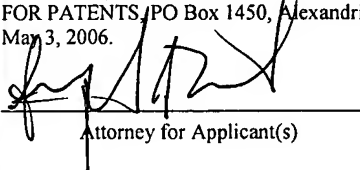
Horstmann does not teach or suggest a process for remote creation of a system specific key for a benefit purchased post point of sale from a manufacturer of an information handling system, much less such a process which includes obtaining a value that uniquely identifies the information handling system where the value is installed on the information handling system when the information handling system is fabricated and linking the value that uniquely identifies the information handling system with the product code value, all as required by claim 7.

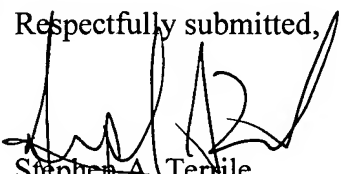
Accordingly, claim 7 is allowable over Horstmann. Claims 8 - 10 depend from claim 7 and are allowable for at least this reason.

Horstmann does not teach or suggest a system for enabling remote restoration of a purchase verification, which includes an install module, a link module and a restore module, where the restore module is configured to during remote restoration, obtain the promotion code value for the information handling system by providing the value that uniquely identifies the information handling system, and provide the promotion code value to the information handling system to re-enable benefit, and where the install module installs application software on an information handling system when the information handling system is assembled at a manufacturing facility and wherein the link module links any promotion code values with the value that uniquely identifies the information handling system within an order management system, all as required by claim 11. Accordingly, claim 11 is allowable over Horstmann. Claims 12 - 16 depend from claim 11 and are allowable for at least this reason.

Horstmann does not teach or suggest a system for remote creation of a system specific key for a benefit purchased post point of sale from a manufacturer of an information handling system which includes a restore module where the restore module is configured to obtain a value that uniquely identifies the information handling system where the value that uniquely identifies the information handling system is installed on the information handling system when it is fabricated, all as required by claim 17. Accordingly, claim 17 is allowable over Horstmann. Claims 18 - 20 depend from claim 17 and are allowable for at least this reason.

In view of the arguments set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, please telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, COMMISSIONER FOR PATENTS, PO Box 1450, Alexandria, VA 22313-1450, on May 3, 2006.	
	5/3/06
Attorney for Applicant(s)	Date of Signature

Respectfully submitted,  
  
Stephen A. Terrile  
Attorney for Applicant(s)  
Reg. No. 32,946